

WISHA REGIONAL DIRECTIVE

Department of Labor and Industries

Division of Occupational Safety and Health

21.95 Enforcement Activity Related to Piers And Docks

Date Issued: September 18, 2006

I. Background

Chapter 296-56 WAC applies to longshore, stevedore and related waterfront operations. WAC 296-56-60117 addresses the structural integrity of the structures themselves, raising questions about the manner in which DOSH enforcement and consultation staff can effectively address hazards related to the construction, maintenance and overall condition of fixed structures.

WAC 296-56-60117(1) requires employers to ensure that the “structural integrity of docks, piers, wharves, terminals and working surfaces” is maintained. In addition to this general requirement, WAC 296-56-60117(2) requires the posting of maximum safe load limits of floors elevated above ground level and of pier structures over water, while WAC 296-56-60117(3) requires that those limits not be exceeded.

II. Scope and Application

This WISHA Regional Directive (WRD) applies to all DOSH enforcement and consultation activities involving the application of Chapter 296-56-60117 WAC, Maintenance and Load Limits. It replaces WRD 21.95, issued February 25, 2005 which is hereby rescinded.

III. Interpretive Guidance

Does the posting of the maximum safe load limit requirements of WAC 296-56-60117(2) also require documentation to support the capacity posted?

1. DOSH enforcement and consultation staff engaged in activities on the waterfront are expected to determine whether the employer or other responsible operator has fulfilled the posting requirements of WAC 296-56-60117(2).

- a. If the posting requirements have not been met, a violation must be noted and the employer advised that engineering or other appropriate documentation supporting the capacity posted in accordance with the standard will be needed as part of the documentation showing that the hazard has been abated.
- b. If there are signs of serious structural deterioration above or below the structure (to the extent observation is possible) suggesting that an imminent danger situation may exist, the inspector or consultant must determine whether an order of immediate restraint (OIR) should be issued or other immediate action taken. If the inspector or consultant determines that an OIR is necessary, the OIR must be phrased in such a manner that the employer can meet its requirements by relying upon a qualified engineer or local building official to determine the structure's capacity.

For example: An OIR might declare that the employer was prohibited from using all or a portion of the structure "until safe load limits have been determined and approved by a qualified engineer or the local building officials." This would allow the employer to use the facility as soon as an engineer provides the necessary approval, even before the OIR itself has been lifted.

2. If posting requirements have been met, the inspector or consultant may choose to ask for the documentation on which those safe load limits have been based if he or she has questions about their accuracy.
 - a. If documentation cannot be provided, a grouped violation of WAC 296-56-60117(2) and WAC 296-56-60117(3) must be issued and the employer advised that posted limits unsupported by appropriate documentation do not satisfy the intent of the standard.
 - b. If sufficient and current documentation is provided, the inspector or consultant must not issue a violation. However, the inspector may choose to make a referral to the local building official with jurisdiction over the establishment in question.

Approved: _____
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